

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

THOMAS A. EAMES, ROBERTA L. EAMES)	
and TAMMY EAMES, on behalf of)	
themselves and all others)	
similarly situated,)	
)	
Plaintiffs,)	C.A. No. 04-CV-1324KAJ
)	
v.)	
)	
NATIONWIDE MUTUAL INSURANCE)	
COMPANY,)	
)	
Defendant.)	

**STIPULATION AND ORDER REGARDING THE
SDM'S FEBRUARY 28, 2006 AWARD OF EXPENSES**

Plaintiffs Thomas A. Eames, Roberta L. Eames and Tammy Eames (the "Eames plaintiffs") (on the one hand) and defendant Nationwide Mutual Insurance Company ("Nationwide") (on the other) hereby stipulate and agree as follows:

1. Nationwide will forgo the filing of any objections to the Special Discovery Master's February 28, 2006 Order (D.I. 169) (the "SDM's Order") under Federal Rule of Civil Procedure 53(g) or otherwise.
2. On or before April 3, 2006, Nationwide will pay to Murphy Spadaro & Landon the sum of \$5,000 in full and final satisfaction of its obligations to "pay the expenses of the plaintiffs" under the SDM's Order.
3. In return for the commitments promised hereunder by Nationwide, the Eames plaintiffs will a) accept Nationwide's payment of \$5,000 in full and final satisfaction of its obligation to "pay the expenses of the plaintiffs" under the SDM's Order, and without regard to the actual amount of such expenses that might otherwise be collectible; b) forgo any application

for sanctions in connection with the subject matter of the SDM's Order; and c) assume full financial responsibility for the "court reporter fees" referenced by the SDM's Order.

4. Nothing in this Stipulation and Order relieves Nationwide of its obligation to pay the "SDM fees otherwise allocable to the plaintiffs" under the terms of the SDM's Order; and Nationwide shall pay those fees promptly on the SDM's submission to Nationwide of a statement thereof.

5. This Stipulation and Order reflects a compromise of disputed positions. As such, it is without prejudice to the parties' respective positions on the merits of the SDM's Order.

MURPHY SPADARO & LANDON

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SO ORDERED this 9th day of March, 2006.

Kent A. Jordan
The Hon. Kent A. Jordan, U.S.D.J.